

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 14, 1998

DIVISION ONE

B117794 Tagayun (Not for Publication)

V.

University of Southern California, et al.

We affirm the summary judgment. Defendants are awarded costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B119743 People (Not for Publication)

V.

Castillo

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Dunn, J. (Assigned)

B123006 People (Not for Publication)

V.

Konupek

The judgment (order granting probation) is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

DIVISION ONE (Continued)

B118274 Lukaszewicz, et al. (Not for Publication)
 v.
 Orden

We vacate as moot and unenforceable the portion of the preliminary injunction requiring defendant to disconnect his home office phone line. The parties are ordered to bear their own costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B113096 Pedus Security Services, Inc. (Not for Publication)
 v.
 Guard Systems, Inc., et al.

We affirm the judgment. Pedus is entitled to its costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
 Dunn, J. (Assigned)

B116003 People (Not for Publication)
 v.
 Ginnis

The matter is remanded for the trial court to exercise its discretion as to imposition of the second section 667.5, subdivision (b) finding, to assess the fines required by sections 1202.4 and 1202.45, and to amend the abstract of judgment to reflect both fines and, if necessary, imposition of a one-year enhancement on the second section 667.5, subdivision (b) finding. In all other respects, the judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
 Masterson, J.

December 14, 1998-Continued

DIVISION ONE (Continued)

B118653 People (Not for Publication)
v.
Enrique V.

We remand the matter to the juvenile court with instructions to (1) vacate its November 5, 1997, order setting appellant's maximum period of confinement at 16 years and (2) enter a new order calculating the maximum period of confinement as 10 years. The court shall forward a copy of said new order to the Department of Probation. In all other respects, the judgment (order of wardship) is affirmed.

Ortega, Acting P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

DIVISION TWO

B118885 People (Not for Publication)
v.
Hamm

The Court:

The judgment is modified to reflect an additional \$200 restitution fine pursuant to Penal Code section 1202.45, which fine shall be suspended unless appellant's parole is revoked, and the abstract of judgment shall be amended to so reflect. In all other respects, the judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

December 14, 1998-Continued

DIVISION THREE

B112136 Robert and Johnsie Manlowe
v.
Farmers Insurance Exchange, et al.

Filed order granting petition for rehearing. The parties should each file letter briefs by January 14, 1999, and should file any reply briefs by February 16, 1999.

B108722	People v. Maguire
B112484	In Re John H. Maguire on Habeas Corpus.

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION FOUR

[illegible]

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B119493 Edward R. Stolz II (Not for Publication)

v.

The City of Los Angeles, et al.

The judgment is affirmed. Stolz is to bear the City's costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B120149 People (Not for Publication)

v.

Douglas M. Hartman

We discuss the appeal as moot.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

B119555 People (Not for Publication)

v.

Veronica Allen

The judgment is modified to reflect the imposition of a \$200 additional restitution fine pursuant to Penal Code section 1202.45 and penalty assessments in the sum of \$50 pursuant to Penal Code section 1464 and \$35 pursuant to Government Code section 76000. Upon issuance of the remittitur, the additional fine and assessments shall be imposed.

Thereupon, the superior court clerk is to issue an amended abstract of judgment which reflects imposition of the restitution fines, the laboratory fine, and the two penalty assessments and forward it to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
 Godoy Perez, J.

December 14, 1998-Continued

DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION SIX

B122666 In re Jones on Habeas Corpus (Not for Publication)

The order under review is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B123294 People (Not for Publication)
v.
Rodriguez

The judgment (order granting probation) is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

December 14, 1998-Continued

DIVISION SIX (Continued)

[illegible]

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B123706 People (Not for Publication)
v.
Velasquez

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B122875 People (Not for Publication)
v.
Moreno

The judgment is affirmed.

Coffee, J.

We concur: Stone, P.J.
Yegan, J.

December 14, 1998-Continued

DIVISION SIX (Continued)

B121056 People (Not for Publication)
v.
Dickerson

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B123705 Gilkison (Not for Publication)
v.
Superior Court of Ventura Co.

The petition for writ of certiorari is granted; writ of certiorari is ordered to issue; the stay of proceedings is dissolved; and the portion of the order of May 6, 1998, finding petitioner guilty of contempt on counts 47, 49, 51, 53, 55, 57, and 59, is annulled. The parties shall bear their own costs.

Coffee, J.

We concur: Stone, P.J.
Yegan, J.

[illegible]

We direct the trial court to determine the amount of Began's reasonable costs and attorney's fees expended in defending this appeal. This amount is to be awarded from the security deposit that Wilson has deposited in the trial court. The judgment of dismissal and order imposing \$8,954 sanctions are affirmed. Began shall recover costs and attorney's fees on appeal as stated herein.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

DIVISION SIX (Continued)

B118244 Hernandez (Certified for Publication)
 v.
 Garcetti

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Stone, P.J.
 Yegan, J.

B119844 Mosely (Not for Publication)
 v.
 Mosely

That portion of the court's order awarding wife attorney's fees and costs is affirmed. The order awarding unallocated family support is reversed and the case is remanded to the trial court to make the findings required by sections 4056 and 4066. Respondent's request for sanctions is denied. The parties shall each bear their own costs on appeal.

Stone, P.J.

We concur: Yegan, J.
 Coffee, J.

B118776 People (Not for Publication)
 v.
 Justin C.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

December 14, 1998-Continued

DIVISION SIX (Continued)

B114300 Martinez (Certified for Publication)
v.
Vintage Petroleum, Inc.

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

[illegible]

The judgment is affirmed.

Stone, P.J.

We concur: Yegan, J.
Coffee, J.

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

December 14, 1998-Continued

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
 Coffee, J.

B113917 Holubar (Not for Publication)
v.
Svetinsky

The judgment is affirmed. Costs are awarded to respondent Miro J. Svetinsky.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B118009 Westburne Supply, Inc. (Not For Publication)
v.
R.P. Richards, Inc.

The judgment upon the orders of the trial court is affirmed. Costs are awarded to respondent.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

December 14, 1998-Continued

DIVISION SIX (Continued)

B117702 People (Not for Publication)
v.
Olivares

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B113791 Kardly (Not for Publication)
v.
State Farm Insurance

The judgment is affirmed. Costs are awarded to respondent.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

B120223 Ventura County Deputy Sheriffs (Not for Publication)
v.
Board of Retirement

The trial court shall order that the pensions of those County employees who were represented by the Association as of March 30, 1992, and who retired between March 30, 1992, and March 28, 1995, be adjusted upwards in accordance with the opinion of our Supreme Court. Costs are awarded to appellant.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

December 14, 1998-Continued

DIVISION SIX (Continued)

B115091 LeVine (Certified for Partial Publication)
v.
Weis

The judgment is reversed on LeVine's statutory cause of action under the False Claims Act. In all other respects the judgment is affirmed. Costs on appeal are awarded to LeVine.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SEVEN

B118951 King (Not for Publication)
v.
Pacific Care HMO, et al.

The appeal is dismissed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

B120435 Hussain, et al. (Not for Publication)
v.
Ramsey, et al.

The judgment entered following the order sustaining demurrer to the first amended complaint, without leave to amend, is reversed and remanded for further proceedings. Appellants shall recover their costs on appeal.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B120564 Kinski (Not for Publication)

v.
Superior Court, Los Angeles County
(Moussa, r.p.i.)

A writ of mandate will issue directing the trial court to dismiss the contempt proceedings unless real party in interest, Moussa, offers evidence sufficient to prove beyond a reasonable doubt that petitioner Kinski had actual knowledge of the visitation order. Petitioner shall recover her costs in this proceeding.

Neal, J.

I concur: Lillie, P.J.
I dissent: Woods, J.(Opinion)

B108869 Phillips
v.
Department of Airports, City of Los Angeles

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

B118996 Los Angeles County, D.C.S.
v.
Maree H.
In re Maree H., a minor

Filed order denying petition for rehearing.